

# SENATE JOURNAL

OF THE

## IDAHO LEGISLATURE

SECOND REGULAR SESSION  
FIFTY-NINTH LEGISLATURE

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**TWENTY-FOURTH LEGISLATIVE DAY**  
**WEDNESDAY, JANUARY 30, 2008**

Senate Chamber

President Risch called the Senate to order at 11 a.m.

Roll call showed all members present except Senator Burkett, absent and formally excused by the Chair; and Senators Andreason, Cameron, and Coiner, absent and excused.

Prayer was offered by Chaplain Goebel.

The Pledge of Allegiance was led by Brooke Rinearson, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

Senators Andreason, Cameron, and Coiner were recorded present at this order of business.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 29, 2008, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

### Reports of Standing Committees

January 30, 2008

The JUDICIARY AND RULES Committee reports that **S 1352, S 1353, S 1354, S 1355, S 1356, S 1357, and SJM 109** have been correctly printed.

DARRINGTON, Chairman

**S 1352, S 1353, and S 1354** were referred to the Resources and Environment Committee.

**S 1355, S 1356, and S 1357** were referred to the Judiciary and Rules Committee.

**SJM 109** was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

January 29, 2008

The LOCAL GOVERNMENT AND TAXATION Committee reports out **S 1337** and **H 342** with the recommendation that they do pass.

HILL, Chairman

**S 1337** and **H 342** were filed for second reading.

January 30, 2008

The STATE AFFAIRS Committee reports out **S 1338** with the recommendation that it do pass.

McKENZIE, Chairman

**S 1338** was filed for second reading.

January 30, 2008

The STATE AFFAIRS Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Paul Kjellander as Administrator of the Office of Energy Resources, term to expire at the pleasure of the Governor.

McKENZIE, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

### Messages from the Governor

January 29, 2008

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Mike Gwartney of Eagle, Idaho, was appointed as Director of the Idaho Department of Administration to serve a term commencing June 1, 2007, and serving at the pleasure of the Governor.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*  
/s/ C. L. 'Butch' Otter  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to State Affairs the Committee.

January 29, 2008

The Honorable James E. Risch  
President of the Senate  
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that Wayne Hammon of Meridian, Idaho, was appointed as Administrator of the Idaho Division of Financial Management to serve a term commencing July 1, 2007, and serving at the pleasure of the Governor.

This appointment was made subject to confirmation by the Senate. Notice of appointment is hereby given.

As Always - Idaho, *Esto Perpetua*  
/s/ C. L. 'Butch' Otter  
Governor

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Gubernatorial appointment was referred to the State Affairs Committee.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Tenth Order of Business.

#### **Motions and Resolutions**

The President announced the State Affairs Committee report relative to the Gubernatorial appointment of John Chatburn was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Little, seconded by Senator Langhorst, the Gubernatorial appointment of John Chatburn as a member of the State Racing Commission was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare a letter of the Gubernatorial appointment confirmation for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

#### **Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials**

##### **S 1358 BY FINANCE COMMITTEE AN ACT**

APPROPRIATING ADDITIONAL MONEYS TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION/STATE DEPARTMENT OF EDUCATION FOR FISCAL YEAR 2008; AND DECLARING AN EMERGENCY.

##### **S 1359 BY TRANSPORTATION COMMITTEE AN ACT**

RELATING TO SPECIAL MOTOR VEHICLE LICENSE PLATES; AMENDING SECTION 49-402, IDAHO CODE, TO PROVIDE A CODE REFERENCE; AMENDING CHAPTER 4, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-417D, IDAHO CODE, TO ESTABLISH AN IDAHO RANGELAND SPECIAL PLATE PROGRAM; AND PROVIDING AN EFFECTIVE DATE.

##### **S 1360 BY TRANSPORTATION COMMITTEE AN ACT**

RELATING TO LOCAL TRANSPORTATION BENEFIT PROJECTS AND TOLL ROADS; AMENDING TITLE 40, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 25, TITLE 40, IDAHO CODE, TO PROVIDE FOR LOCAL TRANSPORTATION BENEFIT PROJECTS AND FINANCING OF PROJECTS, TO PROVIDE FOR IDENTIFICATION OF LOCAL TRANSPORTATION BENEFIT PROJECTS, TO PROVIDE FOR COLLECTION OF TOLLS FOR USE OF PROJECT ROADS, TO PROVIDE THAT PROCEEDS FROM TOLL REVENUES ARE TRUST FUNDS, TO PROVIDE REMEDY AGAINST THE ACCOUNT, TO PROVIDE FOR TAX EXEMPTION, TO PROVIDE FOR ANNUAL REPORTING AND TO PENALIZE IMPROPER INTEREST IN A CONTRACT AND TO PROVIDE FOR MAINTENANCE OF COMPLETED PROJECTS AND CONTINUATION OF TOLLS.

##### **S 1361 BY TRANSPORTATION COMMITTEE AN ACT**

RELATING TO RULES OF THE ROAD; AMENDING CHAPTER 6, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-658, IDAHO CODE, TO PROVIDE FOR REDUCED SPEED LIMITS IN SCHOOL ZONES, TO REQUIRE CERTAIN INFORMATION ON SCHOOL ZONE SIGNS AND TO SPECIFY A FIXED PENALTY FOR EXCEEDING THE POSTED SPEED LIMIT IN A SCHOOL ZONE.

**S 1358, S 1359, S 1360, and S 1361** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Twelfth Order of Business.

#### **Second Reading of Bills**

**S 1265, S 1267, S 1268, and S 1269**, by Resources and Environment Committee, were read the second time at length and filed for third reading.

**S 1260, S 1274, and S 1273**, by Judiciary and Rules Committee, were read the second time at length and filed for third reading.

**S 1346 and S 1347**, by Finance Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

**Third Reading of Bills**

**S 1270** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Thorson (Stennett), Werk. Total - 34.

NAYS--None.

Absent and excused--Burkett. Total - 1.

Total - 35.

Whereupon the President declared **S 1270** passed, title was approved, and the bill ordered transmitted to the House.

**S 1271** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Thorson (Stennett), Werk. Total - 34.

NAYS--None.

Absent and excused--Burkett. Total - 1.

Total - 35.

Whereupon the President declared **S 1271** passed, title was approved, and the bill ordered transmitted to the House.

**S 1272** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Jorgenson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Thorson (Stennett), Werk. Total - 34.

NAYS--None.

Absent and excused--Burkett. Total - 1.

Total - 35.

Whereupon the President declared **S 1272** passed, title was approved, and the bill ordered transmitted to the House.

**S 1305** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Corder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Keough, Little, Lodge, McGee, Sagness (Malepeai), Stegner. Total - 23.

NAYS--Fulcher, Kelly, Langhorst, McKague, McKenzie, Pearce, Richardson, Siddoway, Thorson (Stennett), Werk. Total - 10.

Absent and excused--Burkett, Schroeder. Total - 2.

Total - 35.

Whereupon the President declared **S 1305** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

**Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Langhorst, by voice vote the Senate adjourned at 12:01 p.m. until the hour of 11 a.m., Thursday, January 31, 2008.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary